

## **REMARKS**

In the outstanding Office Action (the "Office Action"), mailed April 18, 2006, the Examiner objected to claims 3-5; rejected claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by "Time Crisis II Review" by Ryan Davis (hereinafter, "Davis"); and rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of "Time Crisis II" published by www.klov.com (hereinafter, "Klov").<sup>1</sup>

By this amendment, Applicants have amended claims 1-3 to correct informalities and improve form. No new matter has been added. Accordingly, claims 1-6 remain pending.

In light of the foregoing amendments and based on the arguments presented below, Applicants respectfully traverse the objection to claim 3 and the rejections of claims under 35 U.S.C. §§ 102(b) and 103(a), and request allowance of pending claims 1-6.

### **I. Interview Summary**

Applicants acknowledge with appreciation the telephonic interview granted to Applicants' representative on May 5, 2006. During the interview, the primary issues discussed were the discrepancies found between the PTO-892, the Office Action, and the prior art supplied by the Office. In particular, the PTO-892, line U, refers to a document entitled, "Time Crisis 2," and the Office supplied a document entitled "Time Crisis II." However, page 5 of the Office Action refers to "Namco's Time Crisis: 3." During the interview, the Examiner indicated the supplied document entitled "Time

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Crisis II,” published by www.klov.com, is the correct reference and page 5 of the Office Action was in error.

Furthermore, the Office Action also made reference to U.S. Patent No. 6,501,478 B1 to Kawakami et al. but the document was not listed on the PTO-892. Following the interview, the Examiner mailed a second PTO-892 with U.S. Patent No. 6,501,478 listed.

## **II. Date Listed on PTO-892 for Klov Document**

In addition to the discrepancies discussed during the telephonic interview of May 5, 2006, Applicants respectfully direct the Examiner’s attention to line U of PTO-892, “Namco, Time Crisis 3,” and the apparent listing of 1998 as the publication date for the document. Upon review of the supplied document, however, it appears that 1998 is the year of release for Time Crisis 2 and not the publication date of the supplied document. Applicants have included with this response a printout from the Internet Archive Wayback Machine showing the first archive of the www.klov.com URL as May 10, 2000 and the first archive of the specific web page cited in the Office Action as May 09, 2003. The enclosed documents appear to support Applicants’ assertion that 1998 is not the correct publication date for the Klov document. Therefore, lacking a publication date on the supplied document and a showing of May 09, 2003 as the earliest known publication date, Applicants believe the document post-dates their own priority date of October 11, 2002 and is, consequently, not available for use as prior art.

## **III. Objection to the Claims**

The Examiner objected to claim 3 for alleged informalities. Applicants have amended claim 3 to depend on claim 1. No new matter has been added. In light of the

foregoing amendments, Applicants respectfully request reconsideration and withdrawal of the objection to claim 3.

#### **IV. Claim Rejections Under 35 U.S.C. § 102(b)**

Applicants respectfully traverse the rejection of claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by Davis. A proper anticipation rejection requires each and every element set forth in the claim be found, either expressly or inherently described, in a single prior art reference. See MPEP § 2131. The anticipation rejection set forth in the Office Action does not properly establish that each and every claimed element of the rejected claims is found in Davis.

Davis appears to disclose a review of the Time Crisis II video game, for use on the PlayStation 2, including an overview of the storyline, gameplay, and animation. Davis states that, “[l]ike most light-gun games, Time Crisis II operates on rails, and you roll around each level with the simple objective of shooting the bad guys without getting shot yourself.” Davis, ¶ 3. Davis further discloses the game can be played in “single-player arcade mode,” “two players on a split screen,” or “on two separate PS2s.” Davis, ¶ 3.

The Office Action asserts that Davis discloses “wherein the computer program causes the computer system to determine whether a visual effects request for requesting visual effects processing was input by a player (*ie: shoots a locust<sup>2</sup> of bullets when player input is received*)” and “if the visual effects request was input...the display speed of at least [an] enemy-character and each of the bullets fired from the enemy-character becomes slower than the display speed of objects displayed in association

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<sup>2</sup> The Office Action contains repeated substitutions of the term “locust” for the term “locus,” as recited in Applicants’ claims.

with the player operation.” Office Action, page 2 (emphasis in original). The Office Action further states “Davis discloses a game program that causes the computer system to determine whether at least one of the enemy-characters will collide with the moving locus of the bullet fired from the player character (*ie: enemy-characters are disposed when shot with the locust of bullets...*).” Office Action, page 3 (emphasis in original). However, none of these statements are correct.

While Davis discloses a game, “Time Crisis II,” played on a PlayStation 2, Davis does not disclose “image display processing with visual effects such that the display speed of at least said enemy-character and each one of the bullets fired from said enemy-character becomes slower than the display speed of objects displayed in association with the player operation,” as recited in claim 1. In addition, Davis does not disclose a computer program causing a computer system “**to determine** whether a visual effects request for requesting visual effects processing was input by a player” or “**to determine** whether at least one of said enemy-characters...will collide with the moving locus of the bullet,” as recited in claim 1 (emphasis added). Similarly, Davis does not disclose a computer program causing a computer system “**to execute** image display processing with visual effects,” “**to display** the image of said shooting target being shot at on said screen,” or “**to display** the elapsed amount of the remaining time,” as recited in Applicants’ claim 1 (emphasis added). Davis only discloses a high-level review of Time Crisis II, along with a rating value, intended for game players.

Since Davis fails to disclose each and every element of claim 1, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) and

allowance of independent claim 1 as well as dependent claims 2-5 which depend therefrom.

#### **V. Claim Rejections Under 35 U.S.C. § 103(a)**

Applicants respectfully traverse the rejection of claim 6 under 35 U.S.C. § 103(a) as unpatentable over Davis and Klov because the Examiner has not established a *prima facie* case of obviousness as required under 35 U.S.C. § 103(a).

“To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, the references, taken alone or in combination, must teach or suggest each and every element recited in the claims. See M.P.E.P. § 2143.03 (8th ed. 2001). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must “be found in the prior art, and not be based on applicant’s disclosure.” M.P.E.P. § 2143 (8th ed. 2001).

Applicants reiterate the statements contained above with respect to the publication date of the Klov document. The publication of the Klov document appears to post-date Applicants’ priority date of October 11, 2002 and is, consequently, not available as prior art.

However, it is further noted that Klov does not cure the deficiencies of Davis set forth above, including the failure of Davis to teach or suggest a computer program to causing a computer system “to determine whether a visual effects request for requesting visual effects processing was input by a player,” “to determine whether at least one of said enemy-characters...will collide with the moving locus of the bullet,” “to execute image display processing with visual effects such that the display speed of at least said enemy-character and each one of the bullets fired from said enemy-character

becomes slower than the display speed of objects displayed in association with the player operation," "to display the image of said shooting target being shot at on said screen," and "to display the elapsed amount of the remaining time," as recited in Applicants' claim 1.

For at least the reasons stated above, Applicants submit that neither Davis, nor Klov, nor the combination of the two, teach or suggest all the elements of Applicants' claim 6. Thus, Applicants respectfully request allowance of claim 6.

## **VI. Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: July 17, 2006

By: 

Richard V. Burgujian  
Reg. No. 31,744

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